

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

DANVILLE DIVISION

SHIRLEY A. BOYD,

Plaintiff

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Case No. 4:05cv00007

ORDER

By: **Jackson L. Kiser**
Senior United States District Judge

On February 22, 2005, this Court entered an *Order* referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. Magistrate Judge Crigler filed his *Report and Recommendation* on October 21, 2005. After reviewing the record in this case, and because no objections to Magistrate Judge Crigler's Report and Recommendation were filed within ten (10) days of its service upon the parties, this Court adopts Magistrate Judge Crigler's *Report* in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The *Report and Recommendation* of the United States Magistrate Judge, filed October 21, 2005, shall be, and hereby is, **ADOPTED** in its entirety.
2. For the reasons stated in Magistrate Judge Crigler's *Report*, the Commissioner's final decision is **REVERSED** and the case is **REMANDED** for further

proceedings consistent with Magistrate Judge Crigler's *Report*. Should the Commissioner be unable to grant benefits on the extant record, she is to recommit the case to a Administrative Law Judge to conduct supplemental proceedings at the final level of the evaluation in which boh sides may present additional evidence.

3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this *Order* to all counsel of record and to Magistrate Judge Crigler.

ENTERED this 29th day of November, 2005.

s/Jackson L. Kiser
Senior United States District Judge